THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.26321 of 2005

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Dated:27.12.2005

Between:

Syed Shameeran Khadri @ Syed Khaiaoasha, S/o. Syed Nasarulla Khadri,

H.No.28-66, Peta, Near One Town, Kurnool,

Kurnool Dist, and another.

..... PETITIONERS

AND

The A.P. State Wakf Board, Rep. By its Chief Executive Officer,
Haj House Complex, Nampally, Hyderabad, and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.26321 of 2005

ORDER:

The two petitioners are aggrieved by the endorsement dated 29.09.2005 issued by the second respondent, whereby and whereunder, while refusing to issue pattadar passbooks and title deeds to the petitioners, the second respondent informed that the properties claimed by them in Survey Nos.45 and 125 of Mamidalapadu Village, Kurnool, belong to wakf known as Yahoo Mosque, and that pattadar passbooks are prepared in favour of Wakf Board.

Opposing the writ petition, the learned Standing Counsel for the A.P.State Wakf Board, the first respondent herein, submits that pursuant to the survey conducted by the Commissioner, Wakfs, in 1956, the Government of Andhra Pradesh issued a notification under Section 5 of the Wakf Act, 1954, notifying Yahoo Mosque as a wakf, and the properties claimed by the petitioners belong to wakf. It is also brought to the notice of this Court by the learned Counsel for the petitioners that in 1969, the Wakf Board filed a suit, being O.S.No.50 of 1969 on the file of the Court of the Additional Subordinate Judge, Kurnool, for possession, in which the petitioners herein were shown as defendant Nos.13 and 14 and that the suit was dismissed by

the said Court on 31.01.1970. In view of this, the learned Counsel seeks permission to withdraw the writ petition and approach the appellate authority under Section 5(5) of the A.P.Rights in Land and Pattadar Pass Books Act, 1971.

Giving liberty to do so, the writ petition is dismissed as withdrawn. No costs.

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(V.V.S.RAO, J)

27.12.2005

vs